REMARKS

Claims 1-4 and 6-14 are pending in the present application. The Official Action allows Claims 1-4, 6-10, 13, and 14. Claims 11 and 12 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicant appreciates the Examiner withdrawing the rejection of Claims 4, 7, and 14 and lifting the finality of the previous Office Action in response to the telephonic interview of July 21, 2008. In response to the Office Action of November 4, 2008, Applicant has amended the preamble of Claim 11 to clarify the subject matter of the claim as being directed to statutory subject matter. Claim 12 has been amended based upon the amendments made to Claim 11.

Applicant additionally noticed in preparing this response that Claim 7 had incorrectly depended from Claim 4 and accordingly amended Claim 7 to depend from Claim 6. Applicant submits that this change does not affect the allowability of Claim 7 and thus amended Claim 7 should still be allowed.

Further, Applicant has added new dependent Claim 19, which includes each of the recitations of allowed Claim 1 and which is fully supported by page 6, line 14 of the present application. Accordingly, Applicant submits that Claim 19 is patentable for at least those reasons as Claim 1 and is in condition for allowance.

Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the present application and allowance of the amended set of claims.

The Rejection of Claims 11 and 12 is Overcome

The Office Action asserts that Claims 11 and 12, which are directed to a computer program product, are directed to non-statutory subject matter under 35 U.S.C. § 101. The Office Action states that "there is no language in [Claim 11] that indicates the code is embodied in a computer-readable storage medium" (Page 3 of Office Action of November 4, 2008). Applicant has amended the preamble of Claim 11 to recite a computer program product comprising at least one computer-readable storage medium having computer-readable program code portions stored therein. Claim 12 has been amended so that it refines the recitation of "the at least one computer-readable storage medium" rather than "the tangible medium" previously recited by

Claim 11. Accordingly, Applicant respectfully submits that the rejection of Claims 11 and 12 is overcome and Claims 11 and 12 are in condition for allowance.
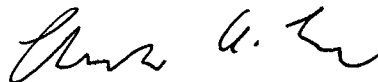
CONCLUSION

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a notice of allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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LEGAL02/31119715v1